

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

ROGER A. ROLAND,)	
)	
Plaintiff,)	4:04CV3204
)	
v.)	
)	
JO ANNE B. BARNHART,)	MEMORANDUM OPINION
Commissioner of Social)	
Security Administration,)	
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (Filing No. 27). Plaintiff requests fees in the total amount of \$6,938.79, which represents 39.25¹ hours of work by his attorney and 63.34² hours of work by a paralegal in the attorney's firm. In addition, plaintiff is requesting costs of \$11.76.

The Court has determined that plaintiff was the prevailing party in this action as the case was remanded to the Commissioner for further action; that the fee application has been filed in a timely fashion; and that the position of the Commissioner was not substantially justified. *Shalala v. Schaefer*, 509 U.S. 292 (1993). Plaintiff is therefore entitled

¹ Attorney hours were billed at \$151.25 per hour for May, 2004, and \$152.50 per hour for September and November, 2004.

² Paralegal hours were billed at a rate of \$15.00 per hour.

to an award of reasonable attorney's fees. The Commissioner does not dispute plaintiff's entitlement to fees, nor does she contest the hourly rates used. She does contend that the amount of fees is unreasonable because the number of hours claimed by plaintiff's attorney is excessive.

While the hours claimed are on the high side, the Court finds they are not excessive. See *Sorich v. Shalala*, 838 F.Supp. 1354 (D.Nebr. 1993), and *Abbott v. Barnhart*, 4:01CV3066 (D.Neb. 2002). The Court finds that 39.25 hours by the attorney and 63.34 hours by the paralegal are a reasonable number of hours to spend on this appeal. Consequently, the Court will grant payment of \$5,984.69 for attorney time, \$954.10 for paralegal time, and costs in the amount of \$11.40. A separate order will be entered in accordance with this memorandum opinion.

DATED this 21st day of June, 2005.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court